

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

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|---|---|---------------------------------|
| PHIL ROSEMAN |) | |
| |) | |
| Plaintiff, |) | Case No. 4:14-cv-983-LRR |
| vs. |) | |
| |) | Judge: Honorable Linda R. Reade |
| ST. LOUIS BANK |) | (Chief Judge N. Dist. Iowa) |
| |) | |
| Defendant. |) | |
| <hr style="width: 45%; margin-left: 0;"/> |) | |

CONSENT MOTION FOR LEAVE TO FILE THE ATTACHED AMENDED COMPLAINT

COMES NOW plaintiff and seeks leave to amend, with defendants consent, and in support state unto this Honorable Court as follows:

Pursuant to Fed Rules Civ P 15(a)(2) “a party may amend its pleading only with the opposing party’s written consent or the court’s leave.” Plaintiffs seek leave to file the attached amended complaint. ***Defendant consents to the filing of the attached amended complaint.*** The proposed amendment is being filed before the January 1, 2015 deadline for amending the complaint as provided in the Case Management Order (docket no. 33).

The proposed amendment removes the requested relief of the four counts previously dismissed by the plaintiff (see docket no. 20 pg. 9). The amendment adds new party plaintiffs, all of whom are plaintiffs in a parallel state case against St. Louis Bank styled *Richard Aguilar, et. al. vs. St. Louis Bank*, Case No. 14-SL-CC-1748.

The state case asserts the same conduct set out in the original pleading in this case and the same claims except for the RICO claim which is being included in the amendment as a claim by all of the plaintiffs. The state case has been dormant without discovery or other orders from the court. Upon approval of the amendment by this Court the state case titled *Aguilar vs. St. Louis Bank*, 14-SL-CC-1748 will be dismissed without prejudice. The amendment will promote judicial resources by proceeding with similar claims in one court.

The allegations in the parallel state case arise out of the same conduct, transaction, and occurrence as the allegations in this case. Consequently, this Court may also permit newly added state plaintiffs to join this case by “intervening” because the state claims share a “common question of law or fact” with the claims in this case. Fed Rules Civ. P. 24(b)(1)(B). In that case, the amendment joining new party plaintiffs is filed well before the May 1, 2015 deadline for joining parties per the Case Management Order. (docket no. 33).

WHEREFORE, plaintiff seeks leave to file the attached amended complaint.

GREEN JACOBSON, P.C.

LAW OFFICES OF SEBASTIAN RUCCI

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CERTIFICATE OF SERVICE

I hereby certify that on December 31, 2014 a copy of the foregoing was filed electronically. Notice of this filing will be sent to all parties via the Court's electronic filing system and parties may access this filing through the Court's Case management/Electronic Case Files (CM/ECF) found on the internet at <https://ecf.moed.uscourts.gov>.

/s/ Sebastian Rucci

Sebastian Rucci (E.D. Mo. 178114CA)